

Montana PRIVACY LAWS

Credit Reporting and Investigation (including "Credit Repair", "Credit Clinics", Check-Cashing, and Credit Cards)

It is the purpose of this part to require that consumer reporting agencies adopt reasonable procedures for meeting the needs of commerce for consumer credit, personnel, insurance, and other information in a manner which is fair and equitable to the consumer, with regard to the confidentiality, accuracy, relevancy, and proper utilization of such information in accordance with the requirements of this part. A further purpose of this part is to guard an individual's right to privacy guaranteed in Article II, section 10, of the Montana constitution. (Mont. Code Ann. sec. 31-3-101 through 153)

Criminal Justice Information Systems

The purpose of this chapter is to require the photographing and fingerprinting of persons under certain circumstances, to ensure the accuracy and completeness of criminal history information, and to establish effective protection of individual privacy in confidential and nonconfidential criminal justice information collection, storage, and dissemination. ("Montana Criminal Justice Information Act of 1979", Mont. Code Ann. sec. 44-5-101)

Electronic Surveillance (including Wiretapping and Monitoring)

Privacy in communications. (Mont. Code Ann. sec. 45-8-213)

Government Information on Individuals

Montana Driver Privacy Protection Act: creates a more restrictive state version of the federal prohibition on release and use of certain personal information from state motor vehicle records, found in 18 U.S.C. 2721, to protect an individual's privacy, consistent with the Montana constitution, by prohibiting the disclosure and use of personal information contained in Montana motor vehicle records, except when that use may be authorized by law. (Mont. Code Ann. sec. 61-11-501 et seq.)

Insurance Records (including Use of Genetic Information)

Purpose: includes as a purpose "also to provide privacy protection consistent with federal regulations governing the privacy of medical records when this chapter is consistent with those federal regulations. In those instances in which this chapter and the federal privacy regulations are inconsistent and this chapter provides privacy protection beyond that offered by the federal regulations, the purpose of this chapter is to provide that additional privacy protection." (Mont. Code Ann. sec. 33-19-102).

Notice of insurance information practices - delivery of notice: must include privacy policies. (Mont. Code Ann. sec 33-19-202).

Access to recorded personal information. (Mont. Code Ann. sec. 33-19-301)

Disclosure limitations and conditions. (Mont. Code Ann. sec. 33-19-306).

Library Records

- Nondisclosure of library records. ("Montana Library Records Confidentiality Act", Mont. Code Ann. sec. 22-1-1101 et seq.)

Mailing Lists (including Laws on Video Rentals)

- Prohibition on sale or distribution of mailing lists. (Mont. Code Ann. sec. 2-6-109)

Medical Records (including AIDS Testing)

- Public Records - medical and personal records shall not be made public; exceptions. (Mont. Code Ann. sec. 7-1-4144).
- Confidentiality - disclosure exceptions: child abuse reporting. (Mont. Code Ann. sec. 41-3-205)

- HIV Testing - Confidentiality of records -- notification of contacts -- penalty for unauthorized disclosure. (Mont. Code Ann. sec. 50-16-1009)

Polygraphing in Employment

- Lie detector tests prohibited. (Mont. Code Ann. sec. 39-2-304)

Privacy Statutes/State Constitutions (including the Right to Publicity)

- Right of Privacy (Mont. Constitution, Art. II, sec. 10)

Privacy in Communications

- Privacy in communications. (Mont. Code Ann. sec. 45-8-213)

Privileged Communications

- Spousal privilege (Mont. Code Ann. sec. 26-1-802), clergy privilege (sec. 26-1-804), attorney-client privilege (sec. 26-1-802), physician-patient privilege (sec. 26-1-805), and speech pathologist and audiologist privilege (sec. 26-1-806), psychologist-patient privilege (sec. 26-1-807).

School Records

- Confidential communications by student to employee of educational institution. (Mont. Code Ann. sec. 26-1-809)

Telephone Services (including Telephone Solicitation)

- Unlawful automated telephone solicitation. (Mont. Code Ann. sec. 45-8-216)